IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA BIG STONE GAP DIVISION

MOORISH SCIENCE TEMPLE OF AMERICA EX REL. SHEIK HUNTER EL, RELATOR,)))
Plaintiff,) Case No. 2:19CV00029
V.	OPINION
THE UNITED STATES AND ITS DEPT. OF JUSTICE BUREAU OF PRISONS,	By: James P. JonesUnited States District Judge
Defendants.)

Sheik Hunter El, also known as Aaron D. Hunter, is an inmate at the United States Penitentiary Lee, located in this judicial district. He has filed a pleading entitled, "Alien Tort Claim," asserting jurisdiction of this court under the Alien Tort Statute ("ATS"), 28 U.S.C. § 1350. He claims that he is being illegally held

¹ The plaintiff was originally convicted of a drug trafficking offense in the United States District Court for the Western District of Wisconsin. See *Hunter v. Davis*, No. 09-cv-00827-BNB, 2009 WL 1810840 (D. Colo. June 24, 2009) (dismissing § 2241 habeas action filed pro se while Hunter was confined at the United States Penitentiary in Florence, Colorado).

The statue provides that "[t]he district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States." Even were Hunter an alien — he claims that he had documents that showed that status, but were destroyed by the Bureau of Prisons — the ATS is a jurisdiction grant only, and does not create a cause of action. *Kiobel v. Royal Dutch Petroleum Co.*, 569 U.S. 108, 115 (2013). It certainly does not create a substitute for a habeas corpus action.

in custody because he is entitled to "sovereign immunity" as an "ambassador-at-

large" and subject of the "Sultan of Mecca."

Section 1915A of the Prison Litigation Reform Act provides that "[t]he court

shall review, . . . a complaint in a civil action in which a prisoner seeks redress

from a governmental entity or officer or employee of a governmental entity." 28

U.S.C. § 1915A(a). The present action states no cognizable claim and must be

dismissed as frivolous pursuant to 28 U.S.C. § 1915A(b)(1). A separate order will

be entered.

DATED: August 6, 2019

/s/ James P. Jones

United States District Judge

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